IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
THURSDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE GODA RAGHURAM
WRIT PETITION NO : 11445 of 2003

Between:

1 S.Bal Naraiah son of Ramaswamy
Bibinagar Primary Agricultural Cooperative Society, BibinagarNalgonda Dist

2. H.Anjaneyullu son of H.Bala Narsaiah
Jalalpur Primary Agricultural Cooperative Society, Bommalramaram Mandal
Nalgonda Dist

3 Ch.Bikshapathy son of Ch. Lakshmaiah
Alair Primary Agricultural Cooperative Society, Alair Post and Mandal
Nalgonda Dist

4 S.Narender son of Vittal
Thurkapally Primary Agricultural Cooperative Society, Thurkapally P & M
Nalgonda Dist

5 Md. Anwar Ali son of Md. Yaseen Ali
Chinna Raulapally Primary Agricultural Cooperative Society, Bhattuguda Post,
Bibinagar Mandal , Nalgonda Dist

6 P.Krishna Reddy son of Malla Reddy
Bhongir Primary Agricultural Cooperative Society, Station Raod
bhongir , Nalgonda Dist

7 G.Dharamaih son of G.Yadagiri Ramaswamy
Vasalamarry Primary Agricultural Cooperative Society, Turkapally Mandal
Nalgonda Dist

8 K.Pandaiah son of K.Veera Mallaiah
Athmakur Primary Agricultural Cooperative Society , Athmakur P &M

Nalgonda Dist

9 V.Balakrishna Reddy son of V.Venkat Narsimha Reddy
Bollepally Primary Agricultural Cooperative Society, Bhongiri Mandal
Nalgonda Dist

10 I.Krishna Murthy, son of Venkulu
Madhpur Primary Agricultural Cooperative Society, Turkapally Post, Madhpur Mandal
Nalgonda Dist

11 B.Venkat Swamy son of Sattaiah
Medipally P.A.C.S., Bommala Ramanam Mandal Nalgonda Dist

12 Md. Yousuf son of Abdul Nabi
Chada P.A.C.S., Atmakur Mandal Nalgonda Dist

13 B. Anandam son of Buchaiah
Addaguduru P.A.C.S., Mothkur Mandal Nalgonda Dist

14 Y.Sathaiah son of Lalaiah
Gundala P.A.C.S., Gundala Mandal Nalgonda Dist

15 N.Madhusudhan Rao son of Laxma Rao
Kanchanapally P.A.C.S., Mothuk Mandal Nalgonda Dist

16 Kallem Narasaih son of Narsiah
Challur P.A.C.S., Rajapeta Mandal Nalgonda Dist

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PETITIONERS

AND

1 Secretary
The Govt of AP Secretariat, Hyderabad

2 The Commissioner for Cooperation
Registrar of Coop. Societies Nampally, Hyderabad

3 General Manager
The District Cooperative Central Bank Ltd., Nalgond Dist

4 The District Coop. Officer
Nalgoonda , Nalgonda Dist

5 The Divisional Coop. Officer

Bhogir, Nalgonda Dist

6 Person in Charge committee
Bibinagar Primary Agricultural Cooperative Society
Bibinagar, Nalgonda Dist

7 Person in Charge committee
Jalapur Primary Agricultural Cooperative Society, Bommalramaram Mandal
Nalgonda Dist

8 Person In Charge Committee
Alair Primary Agricultural Cooperative Society, Alair Post & Mandal,
Nalogond Dist

9 Person In-Charge Committee
Thurkapally Primary Agriculural Cooperative Society, Thurkapaly P & M
Nalgonda Dist

10 Person In-Charge Committee
Chinna Raulapally Primary Agricultural Cooperative Society , Bhattuguda Post,
Bibinagar Mandal, Nalgonda Dist

11 Person In-Charge Committe
Bhongir Primary Agricultural Cooperative Society, Station Road
Bhongir, Nalgonda Dist

12 Person In-Charge Committee
Vasalamarry Primary Agricultural Cooperative Society, Turkapally Mandal
Nalgonad Dist

13 Person In-Charge Committee
Atmakur Primary Agricultural Cooperative Society , Atmakur P & M
Nalgonda Dist

14 Person In-Charge Committee
Bollepally Primary Agricultural Cooperative Society, Bhongiri Mandal
Nalgonda Dist

15 Person In-Charge Committee
Madhpur Primary Agricultural Cooperative Society, Turkapally Post, Madhpur Mandal

Nalgonda Dist

16 Person In-Charge Committee
Medipally Primary Agricultural Cooperative Society, Bommala Ramanam Mandal
Nalgonda Dist

17 Person In-Charge Committee
Chada Primary Agricultural Cooperative Society, Atmakur Mandal, Nalgonda Dist

18 Person In-Charge Committe
Addaguduru Primary Agricultural Cooperative Society, Mothkur Mandal, Nalgonda Dist

19 Person In -Charge Committee
Gundala Primary Agricultural Cooperative Society
Gundala Mandal, Nalgonda Dist

20 Person In-Charge Committee
Kanchanpally Primary Agricultural Cooperative Society, Mothkur Mandal,
Nalgonda Dist

21 Person In-Charge Committee
Challur Primary Agricultural Cooperative Society Rajapeta Mandal, Nalgonda Dist

22 Managing Director D. Chakapana
The AP State Co., Bank Limited
Hyderabad- 500001

23 The Superintendent of Police
Nalgonda Dist

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the respondent in not paying the salaries to the petitioner is illegal, arbitrary and violative of Art 14 and 21 of the constitution of India and consequently direct the respondent to pay salaries to the petitioners without reference to sec. 116-C of the Act

Counsel for the Petitioners :MR.A.SATYA PRASAD

Counsel for the RR 3,11,12 14,16. : MR.T.AMARNATH GOUD

Counsel for RR.1,2,4 and 5: Govt., Pleader for Co-operation.
Counsel for RRs.6,7,8,9,10,13,15, 17 to 22: None.
Counsel for R.23: Govt.Pleader for Home.

The Court Made the Following :

Petitioners claim to be employed as Paid Secretaries of several Primary Agricultural Co-operative Societies in Nalgonda district of the State. Section 116-C of the Co-operative Societies Act, 1964 (for short 'the Act') as amended by Act 22 of 2001 ordains that the expenditure of a society towards pay and allowances of its employees shall not exceed 2% of the working capital or 30% of the gross capital in terms of actuals in a year, whichever is less. Consequent on this ceiling of expenditure towards pay and allowances obligated by Section 116-C of the Act, the State Government, Registrar of Co-operative Societies and other officials in the co-operative department have issued circulars requiring several primary agricultural co-operative societies to so restrict the salaries of their employees as to conform with the provisions of Section 116-C of the Act. Without challenging the validity of Section 116-C of the Act, the petitioners seek a direction that they should be paid salaries as were paid in the month of February, 2003 and that they should be continued to be paid the same salaries. These claims are made against primary agricultural co-operative societies. The petitioners' entitlement to salaries from various primary agricultural co-operative societies, which are neither pleaded, urged or demonstrated to be State within the meaning of Article

12 of the Constitution of India, do not have any public law component warranting adjudication under Article 226 of the Constitution of India. The writ petition is accordingly dismissed. No costs.

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GODA RAGHURAM,

J
Dt. 24-06-2004
Pvks/*

To
1 The Secretary,
The Govt of AP, Secretariat, Hyderabad
2 The Commissioner for Cooperation,
Registrar of Coop. Societies, Nampally, Hyderabad
3 The General Manager,
The District Cooperative Central Bank Ltd., Nalgond Dist
4 The District Coop. Officer
Nalgonda , Nalgonda Dist
5 The Divisional Coop. Officer
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22 Managing Director D. Chakapana
The AP State Co., Bank Limited
Hyderabad- 500001
23 The Superintendent of Police
Nalgonda Dist
24. .2CCs to Government Pleader for Co-operation, High Court Buildings, Hyderabad.
25 .2CD copies